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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,979	06/30/2003	Michael Eugene Kelly	834 US	6409

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EXAMINER

SEMUNEGUS, LULIT

ART UNIT PAPER NUMBER

3641

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,979

Applicant(s)

KELLY ET AL.

Examiner

Lulit Semunegus

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the enhancer cup" in page 15 line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the filter" in page 16 lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Loughlin et al (5,794,973).

In regards to claims 1-3 and 5, O'Loughlin et al teach an inflator (20) comprising: a housing (42) connected on one end by a first endcap (44) and connected on an opposite end by a second endcap (46), a first igniter (222) having ignition material that

burns upon actuation of the first igniter by an electrical signal (fig. 1), a first autoignition material (C1) being in intimate contact with the first igniter whereby the first autoignition material is ignited from the burning of the ignition material of the first igniter, and a first gas generant (C2) for producing inflation gas for inflating an airbag (col. 5, lines 26-30), whereby the burning of the autoignition material burns the first gas generant, the first gas generant is separated from direct contact with the first endcap, the second endcap, and the housing (fig. 2). The inflator further comprising a first enhancer (168) for igniting the first gas generant (C2), wherein the burning of the first autoignition material ignites the first enhancer and wherein the enhancer is separated from direct contact with the first endcap, the second endcap, and the housing (fig. 2).

In regards to claims 6-7 and 10-11, O'Loughlin et al teach a second igniter (222), a second autoignition material (C1), a second enhancer (168) and a second gas generant (C2) and a second enhancer retainer (all figures).

In regards to claim 8, O'Loughlin et al teach a second enhancer retainer comprising a tubular portion and annular securing portion arranged substantially parallel with the second endcap (fig. 2).

In regards to claims 4, 9 and 12, O'Loughlin et al teach a first and second enhancer retainer (814, 844), which can comprise from tubular portion (fig. 14) comprising an annular mounting portion (708, 710) arranged substantially parallel with the first and second endcap, wherein a connection portion has a plurality of first enhancer retainer holes (816) for passage of hot gas from first or second enhancer to the first or second gas generant, respectively (figs. 12-13).

Allowable Subject Matter

5. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meixner et al (6,474,685) teaches an inflator comprising a housing; a first enhancer; a second enhancer and an autoignition cartridge comprising pyrotechnic material (col. 3, lines 48-65).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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JACK KEITH
PRIMARY EXAMINER